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COMMISSION ON HUMAN RIGHTS
Fifty-third session
Item 5 of the provisional agenda

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS

Written statement submitted by Human Rights Advocates, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[13 February 1997]

The relationship between human rights and the environment

1. Human Rights Advocates (HRA), 1/ in conjunction with the Natural Heritage Institute (NHI), 2/ submits the following intervention to the Commission on Human Rights. Since 1989, HRA and NHI have documented human rights abuses associated with environmental degradation and have brought together environmental, indigenous and human rights organizations to find solutions to these problems.

2. At the request of the Commission, the Sub-Commission on the Prevention of Discrimination and Protection of Minorities appointed Ms. Fatma Zhora Ksentini to undertake an investigation of the link between human rights and the environment. We believe that her final report (E/CN.4/Sub.2/1994/9 and Corr. 1) represents a comprehensive survey of how environmental harm can raise significant human rights issues. It is now essential, in the aftermath of the final report, to determine what actions and procedures must be adopted by the Commission to make progress in the issues pertaining to human rights violations arising from environmental abuse. The present aim of the Commission should focus on pursuing the questions identified by the Special Rapporteur.

3. Ms. Ksentini's final report discusses the many ways in which environmental degradation has an impact on the enjoyment of recognized human rights, and confirms widespread legal recognition of this linkage. Our own investigation in this field, covering six years, has focused on documenting serious environmental harm worldwide leading to human rights abuses, and it supports many of her conclusions. We believe that there exists a strong foundation for concluding that environmental damages arising from human activities can so seriously threaten human health in some circumstances that when such activities are undertaken by States or accepted by State officials, those responsible should be held accountable under existing human rights doctrine.

4. The intrinsic link between the protection of human rights and the preservation of the environment has become increasingly apparent in the last decades, as violations of fundamental human rights protected by international law occur in many countries as a result of environmental destruction. Water and air pollution, accumulation of toxic waste, soil degradation and deforestation represent a direct threat to the enjoyment of life, health, culture, and free expression, security of person and family life. Therefore, the doctrine of human rights which protects these freedoms is suitably applied to environmental situations giving rise to abuses of these protected freedoms, whether those rights are civil, political, social, economic or cultural, and whether they are exercised individually or collectively.

5. The question of how to remedy the suffering of those whose lives are destroyed as a result of natural resource degradation has yet to be addressed by the international community. Our work has confirmed the unique role of human rights bodies in securing individual human rights and in seeking to eliminate the causes of human rights abuses, including those that are environmentally related. The Commission on Human Rights remains the most appropriate body to address environment-related human rights abuses and to provide an enforcement mechanism for violations of these rights.

6. Current situations on the international scene which reflect the relationship between human rights abuses and environmental harm confirm the need for the international community to recognize these issues and to take affirmative action to address them.

7. The practice of some Governments to harass, arrest and/or execute environmental monitors who gather and expose information on ecological and health hazards represents disturbing situations of human rights abuses linked to environmental harm.

8. Indigenous people are particularly dependent on a satisfactory environment, and therefore particularly vulnerable to development processes. Oil exploration, mining, deforestation and dam construction degrade their land and place their cultural and physical survival in peril.

9. The international traffic and dumping of illicit toxic and hazardous wastes in developing countries represent an increasing environmental problem comprising human rights dimensions. Toxics continue to endanger the lives, health and environmental quality of many people. The poor disposal of toxic mud and brine, the large number of spills from waste pits and poorly maintained pipelines, and the burning of waste oil have resulted in destruction of wildlife and fisheries, and the deterioration of the food supplies and health of the communities in which these wastes are improperly disposed. The Commission has begun to address this issue by appointing, in 1995, Ms. Ksentini as Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic wastes. Her preliminary report indicated that the issue of illegal exportation and disposal of toxic waste is closely interrelated with the issue of human rights.

10. Increasingly, international migration results from environmental degradation and unsustainable development practices. In some cases, land has been appropriated for development activities without reasonable compensation provided to the landowners. Many of the displaced are forced to leave behind their cultural heritage and livelihood, only to become migrant workers. Left unchecked, the mass migrations will continue to increase and will, in turn, contribute to environmental degradation in the areas of refuge. 3/

11. The historic development of large hydropower and irrigation projects in many parts of the world has led to displacement of human populations, disruption of food production and, in some cases, spread of disease. Some government projects to construct large-scale dams have forced mass involuntary resettlements of the local peoples without providing adequate substitute housing.

12. The right to life is universally accepted as a fundamental, non-derogable human right, and is protected by conventional and customary international law. It has been interpreted to include the duty of a State to protect potential victims from life-threatening environmental disasters that could occur from acts under its jurisdiction or control.

13. Freedom of expression and opinion, of information, of association, and the right to public participation play a crucial role in the environmental framework, because the protection of human life and well-being depends upon the public's knowledge of environmental risks and their ability to minimize or avoid them.

14. Environmental threats may also violate other human rights embodied in treaties and other international instruments, such as the rights to health, to culture, to privacy or to property, which impose similar duties upon States.

15. This statement recommends that the Commission appoint as a first step a special expert on human rights and the environment for a period of one year, with the aim of pursuing the findings and conclusions pertaining to human rights abuses arising from environmental harm contained in the final report of the Special Rapporteur to the Sub-Commission. The special expert's mandate would consist of a study of the following aspects: the extent and contours of the factual and legal relationship between human rights violations and environmental degradation; the ways in which the connections between human rights and the environment could be incorporated into the work of human rights bodies, and the ways in which human rights bodies, including the Commission, can help environmental bodies address the human rights impact of environmental problems. The mandate would also entail the submission of a report to the Commission, including: recommendations and proposals aimed at clarifying international legal responsibility in addressing these issues, identifying ways in which the Commission can complement and work with other bodies on the connections between human rights and the environment; and explaining what procedures the Commission should adopt in order to regularize its consideration of the linkage between human rights and the environment.

16. Furthermore, we believe that the establishment of a Commission-level special rapporteur or working group on human rights and the environment for a period of three years is crucial to the continued development and progress of the work of the United Nations on human rights and the environment, and to the overall development of corrective and remedial mechanisms to address the human impact of environmental issues. This mandate would comprise a study of legal and institutional issues as well as the monitoring of communications on situations relating to human rights violations linked to environmental degradation.

Notes

1/ Human Rights Advocates is a non-governmental organization which provides education to the public on their human rights and advocates protection of those rights in international and other forums.

2/ The Natural Heritage Institute is a non-profit, non-governmental organization which provides counselling and advocacy for public interest organizations and government institutions on natural resource problems, including international conservation and human rights.

3/ Michelle Leighton Schwartz, "International legal protection for victims of environmental abuse", Yale Journal of International Law, vol. 18 (1993).

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COMMISSION ON HUMAN RIGHTS
Fifty-third session
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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Written statement submitted by the International Movement Against All Forms of Discrimination and Racism, a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[20 February 1997]

United Nations Decade for Human Rights Education

1. The United Nations Decade for Human Rights Education has stepped into its third year. However, recalling its principles, we regretfully have to admit that many problems still remain with regard to achieving its aims. In order to promote a wider recognition and reaffirm and achieve its aims and principles, the International Movement Against All Forms of Discrimination and Racism (IMADR) submits the following information and recommendations to the international community.

2. NGO activities for the promotion of the Decade are considerable in Japan. With active approaches by NGOs, including the IMADR Japan Committee, the Buraku Liberation League, the National Dowa Educators Association, the Japan Teachers Union and the International Human Rights NGO Network, the Government has created a promotion committee headed by the Prime Minister and made up of representatives of 22 ministries and agencies concerned. A plan of action is now under preparation by the Promotion Committee.

3. At the local level likewise, a number of prefectures and cities have established their own promotion committees involving the governors or the mayors, and started preparation for a plan of action.

4. For public awareness, numbers of publications on the Decade have been issued and seminars and lectures have been held by NGOs all across the country. During Human Rights Week in 1996, for example, mass meetings to promote the Decade were organized in Tokyo, Osaka and Fukuoka, with, as one of the speakers, Ms. Shulamith Koenig, Director of People's Decade for Human Rights Education International (New York), which has been taking the initiative in the creation and promotion of the Decade.

5. While continuing our efforts on the NGO side, we call on the central Government and local governments to embody and implement the plans of action, if already prepared, and urge the other local governments, private companies, religious organizations, labour unions, lawyers, universities and the mass media, to establish promotion committees, prepare plans of action and take action in accordance with the plans. IMADR encourages every State immediately to take appropriate measures to promote the Decade in cooperation with NGOs and other parts of the private sector in the country, as we see in Japan.

6. In 1998, the world will celebrate the fiftieth anniversary of the Universal Declaration of Human Rights and the half-way point of the United Nations Decade for Human Rights Education. In this regard, we recommend the United Nations to convene an international conference during that special year. The conference might: review and analyse implementation of the Universal Declaration of Human Rights and other international human rights standards and lead the trend towards the establishment of a human rights culture in various situations around the world; and review and analyse the activities carried out during the first half of the Decade and identify the course to be taken to create a human rights culture. We also strongly recommend that the conference ensure equal participation among the United Nations and other intergovernmental organizations, central and local governments, international, national and local non-governmental organizations and the private sector.

7. It is equally requested that the United Nations High Commissioner for Human Rights regularly collect information on activities to promote the Decade at all levels, including the United Nations, international, regional and national levels, for distribution among Governments and NGOs worldwide.

8. In addition, as mentioned in Commission on Human Rights resolution 1996/44, the High Commissioner for Human Rights should seek the views of States on ways and means to increase support to the Decade, with special emphasis on activities of NGOs in the field of human rights education and on the advisability of establishing a United Nations voluntary fund for this purpose.

9. Lastly, in order to eliminate discrimination, in particular against indigenous peoples and minorities, and to strengthen solidarity, programmes on human rights education at every level should emphasize the importance of intercultural education as a part of human rights education.

10. With the fiftieth anniversary of the Universal Declaration of Human Rights approaching and the turn of the century in 2000, the IMADR calls on the Commission on Human Rights to consider the United Nations Decade for Human Rights Education as a matter of priority and make every effort towards its promotion at all levels and in all fields, and to take concrete action in accordance with the Plan of Action for the Decade.